THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18858 OF 2005

DATED 03rd AUGUST, 2007

BETWEEN

Dr.Barre Ratnam

… Petitioner

AND

The Additional Agent to Government, East Godavari District at Rampachodavaram and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18588 OF 2005

ORDER:

The petitioner claims that he is in occupation of 4.83 Hectares in survey No.120/2A situated at Rampachodavaram Village and Mandal, East Godavari District. He is running Lenora College of Engineering, Lenora B.Ed., College and a decree college besides a public school. Claiming that he is in possession of land from 1970, he filed an application before third respondent under A.P.Muttas (Abolition and Conversion into Ryotwari) Regulation, 1969 (1969 Regulation, for brevity). By order, dated 20.09.2004, he was granted a ryotwari patta under Section 5 of the said Regulation. Nevertheless, second respondent initiated action in L.T.R.P.No.317 of 2002 before Special Deputy Collector (Tribal Welfare), Rampachodavaram under Section 3 of A.P.Scheduled Areas Land Transfer Regulation, 1959 (Regulation I of 1959, for brevity). The petitioner contested the same. By order, dated 18.11.2003, original authority dismissed the L.T.R.P. Feeling aggrieved by the same, second respondent preferred C.M.A.No.64 of 2005 before first respondent, who issued notice of hearing, dated 18.06.2005. Aggrieved by the same, petitioner filed instant writ petition.

Learned counsel for petitioner submits that when once a ryotwari patta is granted to a person under 1969 Regulation, again eviction proceedings under Regulation I of 1959 cannot be initiated. This Court, having regard to the fact that the C.M.A., is still pending and also having regard to the fact that petitioner was also successful before the original authority, is not inclined to go into this question. All the questions raised by petitioner are left open and petitioner is given liberty to raise all questions before appellate authority. The appellate authority may dispose of C.M.A.No.64 of 2005 within a period of eight weeks from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

03.08.2007.
pln